

# **EXHIBIT 9**

**From:** [Mulqueen, Matt](#)  
**To:** [Vicky Sims](#); [Haynes, Savannah](#)  
**Cc:** Bernhardt, Linden; Eric L. Cramer; Mark R. Suter; Michael Kane; Katie Van Dyck; Karen Garvey; Joseph Saveri; Kevin Rayhill; Ronnie Spiegel; Katharine Malone; Ruby Ponce; Van D. Turner; Robert Falanga; Kobelah Bennah; dnordin@gustafsongluek.com; Elissa A. Buchanan; Team-Varsity-Antitrust-CGSHOnly; Berkowitz, Nicole; Garrison, Grady; bgaffney@lockelord.com; pcoggins@lockelord.com; Veronica Bosco; kgarvey@dicelolevitt.com; Bryan Meredith (bryan@meredithlegal.com)  
**Subject:** RE: Deposition Scheduling  
**Date:** Friday, March 11, 2022 2:58:35 PM

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Thanks Vicky, we appreciate your agreement on coordinating these dates.

We of course disagree with your mischaracterization of Varsity's position on the reasonableness of the discovery being sought and will be making our own determinations of the necessity of attending any deposition in these cases.

Regards,  
Matt

**Matthew S. Mulqueen**

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**Subject:** RE: Deposition Scheduling

Matt,

We were surprised to receive your email, after we, as a courtesy, accommodated Varsity's request, which we did not have to do, given that Varsity is neither taking, nor defending the deposition, and there is no need for Varsity to attend. If need be, we will seek the Chief Magistrate's assistance, to put an end to Varsity's obstructions.

That said, to put this issue to bed, we would be willing to agree to take Ms. Cota's deposition on April 6-7 and move Ms. Noone's deposition to April 14.

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**From:** Mulqueen, Matt <[mmulqueen@bakerdonelson.com](mailto:mmulqueen@bakerdonelson.com)>  
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**Subject:** RE: Deposition Scheduling

Vicky,

Thank you for your call this morning. We discussed that Ms. Cota is now available April 6th, 7th, and 8th. Defendants are in agreement to begin Ms. Cota's deposition on April 6th if Plaintiffs agree to move Sheila Noone's deposition from the 6th to either April 14th or 15th. (Please also note that Baker Donelson will be representing Ms. Noone in connection with her deposition, and we request that all future correspondence regarding her deposition be directed to us.)

You mentioned on the call that Plaintiffs anticipated up to fourteen hours of questioning for Ms. Cota. We do not see any reason why Ms. Cota's deposition (and, for that matter, the deposition of any other third party witness) should be longer than a single day, particularly given the complexities of scheduling between now and April 18th, the burden and expense Defendants are incurring in light of the high number of depositions Plaintiffs are seeking, and the requirement for Plaintiffs to coordinate on discovery. Defendants reserve their rights to seek appropriate relief on this issue with the court.

Matt

**Matthew S. Mulqueen**

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---

**From:** Mulqueen, Matt

**Sent:** Thursday, March 10, 2022 10:21 AM

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**Subject:** RE: Deposition Scheduling

Vicky,

I conveyed on Tuesday that April 11th and 12th do not work for the Defendants. As a matter of professional courtesy I would hope we can find a date that works for everyone, but if not we can move for a protective order from the court.

I'm copying Ms. Cota's attorney on this response. I understand that Ms. Cota and Mr. Meredith are both available on Friday April 15th, and would also be available on Saturday the 16th (in addition to Monday the 18th, as previously noted). I would propose starting on the 15th if you are available that day.

In terms of whether we really need to plan for more than a single day for this

deposition, how many hours do each of the Plaintiffs groups anticipate spending on questioning?

Matt

**Matthew S. Mulqueen**

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**From:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>  
**Sent:** Wednesday, March 9, 2022 8:20 AM  
**To:** Mulqueen, Matt <[mmulqueen@bakerdonelson.com](mailto:mmulqueen@bakerdonelson.com)>; Haynes, Savannah <[shaynes@cgsh.com](mailto:shaynes@cgsh.com)>  
**Cc:** Bernhardt, Linden <[lbernhardt@cgsh.com](mailto:lbernhardt@cgsh.com)>; Eric L. Cramer <[ecramer@bm.net](mailto:ecramer@bm.net)>; Mark R. Suter <[msuter@bm.net](mailto:msuter@bm.net)>; Michael Kane <[mkane@bm.net](mailto:mkane@bm.net)>; Katie Van Dyck <[kvandyck@cuneolaw.com](mailto:kvandyck@cuneolaw.com)>; Karen Garvey <[KGarvey@labaton.com](mailto:KGarvey@labaton.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Kevin Rayhill <[krayhill@saverilawfirm.com](mailto:krayhill@saverilawfirm.com)>; Ronnie Spiegel <[rspiegel@saverilawfirm.com](mailto:rspiegel@saverilawfirm.com)>; Katharine Malone <[kmalone@saverilawfirm.com](mailto:kmalone@saverilawfirm.com)>; Ruby Ponce <[rponce@saverilawfirm.com](mailto:rponce@saverilawfirm.com)>; Van D. Turner <[vturner@bruceturnerlaw.net](mailto:vturner@bruceturnerlaw.net)>; Robert Falanga <[Robert@falangalaw.com](mailto:Robert@falangalaw.com)>; Kobelah Bennah <[Kobalah@falangalaw.com](mailto:Kobalah@falangalaw.com)>; [dnordin@gustafsongluek.com](mailto:dnordin@gustafsongluek.com); Elissa A. Buchanan <[EABuchanan@saverilawfirm.com](mailto:EABuchanan@saverilawfirm.com)>; Team-Varsity-Antitrust-CGSHOnly <[Team-Varsity-Antitrust-CGSHOnly@cgsh.com](mailto:Team-Varsity-Antitrust-CGSHOnly@cgsh.com)>; Berkowitz, Nicole <[nberkowitz@bakerdonelson.com](mailto:nberkowitz@bakerdonelson.com)>; Garrison, Grady <[garrison@bakerdonelson.com](mailto:garrison@bakerdonelson.com)>; [bgaffney@lockelord.com](mailto:bgaffney@lockelord.com); [pcoggins@lockelord.com](mailto:pcoggins@lockelord.com); Veronica Bosco <[ybosco@dicellosevitt.com](mailto:ybosco@dicellosevitt.com)>; [kgarvey@dicellosevitt.com](mailto:kgarvey@dicellosevitt.com)  
**Subject:** RE: Deposition Scheduling

Thank you, Matt. In that case, we will set it for the April 11th-12th.

---

**From:** Mulqueen, Matt <[mmulqueen@bakerdonelson.com](mailto:mmulqueen@bakerdonelson.com)>  
**Sent:** Tuesday, March 8, 2022 10:31 PM  
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**Subject:** RE: Deposition Scheduling

Vicky,

We are not in agreement on allowing the deposition to proceed beyond the 18th since that would extend beyond the close of fact discovery, as noted in my last email.

Matt

**Matthew S. Mulqueen**

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**From:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>

**Sent:** Tuesday, March 8, 2022 7:47 PM

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**Subject:** RE: Deposition Scheduling

Matt,

Thank you. We are agreeable to the 18<sup>th</sup>, however among the three groups, we will likely have more than one day of questions, and may require continuation into the 19<sup>th</sup>. Assuming all parties are in agreement, we can block off that time period.

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**From:** Mulqueen, Matt <[mmulqueen@bakerdonelson.com](mailto:mmulqueen@bakerdonelson.com)>  
**Sent:** Tuesday, March 8, 2022 5:59 PM  
**To:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>; Haynes, Savannah <[shaynes@cgsh.com](mailto:shaynes@cgsh.com)>  
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**Subject:** RE: Deposition Scheduling

Vicky,

April 18th works for the defendants. The other dates do not work (and April 19-21 are after the close of fact discovery).

Please let us know once we are confirmed for the 18th.

Matt

**Matthew S. Mulqueen**

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**From:** Vicky Sims <[Vicky@cuneolaw.com](mailto:Vicky@cuneolaw.com)>  
**Sent:** Tuesday, March 8, 2022 10:03 AM  
**To:** Haynes, Savannah <[shaynes@cgsh.com](mailto:shaynes@cgsh.com)>  
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**Subject:** Deposition Scheduling

Counsel,

We write to advise that Ms. Cota needs to have her deposition re-scheduled. We have been offered the following dates: April 11-12, and 18-21. If Defendants have a preference for one of these dates, please let us know.

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